



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III
COMMISSIONER
HENRY S. JENNINGS.
ACTING DIRECTOR

BOARD OF PESTICIDES CONTROL

September 15, 2006

Colby Thomas Rooms, Hampton Inn
425 Kennedy Memorial Drive, Waterville
(Exit 127 from I-95)

AGENDA

9:00 A.M.

1. Introductions of Board and Staff

2. Minutes of the July 21, 2006 Board Meeting

Action Needed: Amend and/or Approve

Presentation By: Henry Jennings
Acting Director

3. Development of Technical and Stakeholder Committees to Address Aerial Application Issues

At the July 21, 2006 Board Meeting, Board Members reviewed the results of their priority voting for discretionary tasks identified at the annual planning session. Aerial application issues were the top priority. Consequently, the Board directed the staff to develop recommendations for two committees to address aerial application issues. The staff will review their recommendations with the Board.

Presentation By: Lebel Hicks
Toxicologist

Action Needed: Determine Composition and Mandate for Both Committees

4. Review of Public Record from the Browntail Moth Public Information Gathering Meeting and Discussion of Legislative Report Due January 2, 2007

Public Law 2006, Chapter 553 requires the Board to complete an assessment of risks and benefits from applying pesticides near marine waters for control of the browntail moth and report its findings and recommendation to the legislature by January 2, 2007. In response, the Board held a public information gathering meeting in Freeport on July 21,

2006 where four people testified. In addition, eleven people submitted written comments. The Board will review the comments and begin discussing the content of the report to the legislature.

Presentation By: Henry Jennings
Acting Director

Action Needed: Direct Staff on Developing Report to the Legislature

5. Review of Draft Language to Prohibit Unauthorized Pesticide Applications

At their 2004 and 2005 annual planning sessions, the Board agreed there was a need to codify their long-standing position that it is unlawful to apply a pesticide to the property of another without proper consent. The staff developed some initial language which was reviewed at the July 21, 2006 Board Meeting. Board members directed the staff to make allowances for easements and add language to address concerns related to contracts with indefinite terms.

Presentation By: Henry Jennings
Acting Director

Action Needed: Decision on Appropriate Language to Take to Rule-Making

6. Review of Draft Language to Provide a Hardship Waiver Mechanism for the Fee Associated with the Maine Pesticide Notification Registry

At the July 21, 2006 Board Meeting, Board Members reviewed the results of their annual planning session and prioritization process. Developing a waiver mechanism for the fee associated with the Maine Pesticide Notification Registry was their number three priority. At that meeting, members directed the staff to develop draft language for review and future rule-making. The staff has worked with the Assistant Attorney General Randlett to develop draft waiver language modeled after provisions in the Animal Welfare Board laws.

Presentation By: Henry S. Jennings
Acting Director

Action Needed: Decision on Appropriate Language to Take to Rule-Making

7. Review of Draft Report for the 2006 Ground Water Monitoring of Hexazinone

The Board's staff has conducted programs to monitor wells near blueberry growing areas for hexazinone at four-year intervals since 1994. The staff will review the results of the 2006 monitoring program and seek Board input and acceptance.

Presentation By: Heather Jackson

Water Quality Specialist

Action Needed: Amend and/or Accept the Report

8. Update of Board Planning Session Priorities

The staff will review the Board's 2006 Planning Session priorities, progress to date and seek input about which priorities to address next.

Presentation By: Henry Jennings
Acting Director

Action Needed: Provide Input to Staff on Next Tasks to Address

9. Other Old or New Business

- a. ERAC Update – L. Hicks
- b. Lawn BMP Committee Update – G. Fish
- c. Legislative Update – H. Jennings
- d. Variance Granted to the City of Bangor to Control Weeds Under Guardrails and Woody Brush Along City Streets and Roads – H. Jennings

10. Schedule and Location of Future Meetings

October 13, 2006 is the tentative date for the next Board Meeting

Additional Dates:

11. Adjourn

NOTE: Any person wishing to receive notices and agendas for meetings of either the Medical or Environmental Risk Advisory Committees must submit a request in writing to the Board's office. Any person with technical expertise who would like to volunteer for service on either committee is invited to submit their resume for future consideration.

NOTE: On March 27, 1998, the Board adopted the following policy on accepting written comments:

For regular business meetings, the staff will continue to reproduce letters and short reports delivered to the Augusta office prior to the day of the meeting. Persons sending faxes or electronic submissions should call to verify that their document was received in its entirety and in legible condition. Persons should also be aware that lengthy documents will have to be sent to the State's Central Printing Office which may require up to a three day lead time to get them

back. If time is short, those people will be advised to make their own copies. At a minimum, fourteen copies are recommended so as to include the Board, the Assistant Attorney General, the Director, another staff member responsible for the topic, one for the person requesting the agenda article, and three extras for press and other interested parties.